



# City Council Agenda

Council President  
**Henry T. Perea**

Councilmembers

**Brian Calhoun, Ph.D.**  
**Mike Dages**  
**Jerry Duncan**

**Cynthia Sterling**  
**Larry Westerlund**  
**Blong Xiong – Acting President**

City Manager  
**Andrew T. Souza**

City Clerk  
**Rebecca E. Klisch, CMC**

City Attorney  
**James C. Sanchez**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650.

The City Council welcomes you to this meeting.

**April 17, 2007**

## **8:30 A.M. ROLL CALL**

Invocation by Councilmember Dages

Pledge of Allegiance to the Flag

**PROCESS:** For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

## **Ceremonial Presentations:**

Presentation of SPCA Pet of the Month – Councilmember Dages – **Presented**

Presentation of a Resolution of Commendation – City Manager's Office – **Read and presented**

Presentation of Quarterly Promotional Ceremony – Personnel Services Dept. **(Reception immediately following) - Held**

Approve minutes of April 10, 2007

**Action Taken:** Approved, as submitted

Councilmember Reports and Comments

**Action Taken:** Made

Approve Agenda

**Action Taken:** Approved

Adopt Consent Calendar

**Action Taken:** Adopted

### **1. CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 P.M.

A. \* **RESOLUTION** – 69<sup>th</sup> amendment to AAR No. 2006-253 appropriating \$200,000 from the General Fund Capital Improvement for the replacement of the 911 Communication Center RUPS **(Requires 5 affirmative votes)** - Police Dept  
**Action Taken:** Resolution No. 2007-153 adopted

B. [RESOLUTION – Authorizing a requirements contract for Cleaire Longview Exhaust After-Treatment Devices from Cummins West Inc. of Fresno, Ca. without advertised competitive bidding – General Services Dept./Fleet Mgmt.](#)  
**Action Taken:** Resolution No. 2007-140 adopted

C. \* **RESOLUTION** – Consenting to and authorizing investment of monies in the Local Agency Investment Fund (LAIF) in the custody of the State Treasurer for purposes of investment, and authorizing certain finance officers in connection therewith – Finance Department  
**Action Taken:** Resolution No. 2007-141 adopted

D. **ITEM REMOVED FROM THE AGENDA**

E. \* [Award a contract in the amount of \\$277,200 to MADCO Electric, Inc. of Selma for the modification of an existing traffic signal for left turn phasing at the intersection of Maple and Shields Avenues – Public Works Dept. \(Located in District No. 4\)](#)  
**Action Taken:** Awarded as recommended

F. [RESOLUTION - Approving the summary vacation of a portion of an easement for future street purposes located in parcel "A" of Parcel Map No. 71-19 located east of Armstrong Avenue north of Dakota Avenue – \(Located in District No. 4\) - Public Works Department](#)  
**Action Taken:** Resolution No. 2007-142 adopted

G. **ITEM REMOVED FROM THE AGENDA**

1. **CONSENT CALENDAR CONTINUED**

- H. \* **RESOLUTION** – 67th amendment to AAR No. 2006-283 appropriating \$3,800 in the General Fund from a donation from Chukchansi Gold Resort and Casino to purchase supplies and awards for the Inaugural Mayor's Cup Co-ed Softball Tournament (***Requires 5 affirmative votes***) – PR&CS  
**Action Taken:** Resolution No. 2007-143 adopted
- I. \* Award a contract to Univar USA, Inc. in the amount of \$327,207.44 for bulk sodium hydroxide (caustic soda) – Department of Public Utilities  
**Action Taken:** Awarded
- J. \* Award contract to BOC Gasses in the amount of \$146,258.62 for bulk liquid oxygen - Department of Public Utilities  
**Action Taken:** Awarded
- K. **RESOLUTION - Approve application for and acceptance of State of California Department of Homeland Security Urban Area Security Initiative Grant Award for \$620,400 and authorize the Fire Chief to complete all required documents – Fire Department**  
**Action Taken:** Resolution No. 2007-144 adopted
1. \* **RESOLUTION - 71st amendment to AAR No. 2006-253 appropriating \$620,400 of FY 2004 grant funds to the Fire Department to provide hazardous materials team equipment and hazardous materials response vehicle (*Requires 5 affirmative votes*)**  
**Action Taken:** Resolution No. 2007-145 adopted
- L. \* **Approve a lease to provide for the relocation of the Fire Department administrative headquarters from 450 "M" Street to 903 "H" Street and authorize the City Manager to sign the lease – Fire Department**  
**Action Taken:** Approved
- M. **RESOLUTION - Approving application for retroactive amendment and expansion of Fresno Enterprise Zone, allotment of expansion acreage, and authorizing submittal to the State Department of Housing and Community Development of documents and instruments - Economic Development Department**  
**Action Taken:** Resolution No. 2007-146 adopted
- N. **BILL - (*For introduction*)** – Amending Subsection 12-306-N-56 to the Fresno Municipal Code relating to the definition of medical marijuana dispensaries and cooperatives – Planning and Development Dept. (***Continue to April 24, 2007***)  
**Action Taken:** Continued as noted

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

- 9:00 A.M. A. **SCHEDULED COMMUNICATION –**
1. Appearance by Mr. Robert Lee Morris to discuss a proposal of new city ordinance requiring businesses who profit from selling adult material to keep such content covered and out of view to the public – **Appearance made**
- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

9:15 A.M.

### **CITY COUNCIL**

- A. \* **RESOLUTION** – To direct staff to install and maintain, for a period of nine (9) months, two (2) temporary portable restrooms and a trash dumpster at the homeless camp under the Monterey Street overpass on “H” Street at the Southern Pacific tracks – Councilmembers Duncan and Sterling  
**Action Taken:** Resolution withdrawn
- B. [Discussion regarding appointment of a joint Fresno City and County committee for the purpose of establishing a Little Hoover Commission for efficiency in government – Councilmember Calhoun](#)  
**Action Taken:** Discussed
- C. Direct City Manager to implement a median island adoption program to enable businesses to adopt a median island – Councilmember Dages  
**Action Taken:** Discussed; no action taken
- D. [RESOLUTION - Supporting SB59, the Reliable Water Supply Bond and Financing Act of 2008 as well as additional San Joaquin River Surface Water storage \(The Temperance Flat Dam Project\) – Council President Perea](#)  
**Action Taken:** Resolution No. 2007-147 adopted

9:55 A.M.

Provide an update on the Rotary Playland/Storyland by Barry Falke, Director - Councilmember Sterling  
**Action Taken:** Update provided

10:00 A.M.

[HEARING to consider Rezone Application No. R-06-19, and environmental findings, filed by Quad Knopf, on behalf of Team 5 Properties, pertaining to approximately 2.3 acres of property located on the east side of N. Chestnut Avenue between E. Teague and E. Shepherd Avenues \(\*\*Property located in District 6\*\*\) – Planning & Development Department](#)  
**Action Taken:** Held

a. [Consider and adopt Environmental Assessment No. R-06-19/T-5581/C-06-63, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan](#)  
**Action Taken:** Adopted

b. \* [BILL NO. B-36 – Amending the Official Zone Map to rezone the subject property from the R-A/UGM\(Single Family Residential-Agricultural/Urban Growth Management\) zone district to the R-1/UGM\(Single Family Residential/Urban Growth Management\) zone district](#)  
**Action Taken:** Bill No. B-36/Ordinance No. 2007-36 adopted

10:10 A.M.

[HEARING to consider Rezone Application No. R-06-38, and environmental findings, filed by Yamabe and Horn on behalf of Leroy Krum, pertaining to approximately 19.4 acres of property located on the northeast corner of E. Butler and S. Armstrong Avenues \(\*\*Property located in District 5\*\*\) – Planning & Development Department](#)  
**Action Taken:** Held

a. Consider and adopt Environmental Assessment No. R-06-38, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan  
**Action Taken:** Adopted

b. \* [BILL NO. B-37 – Amending the Official Zone Map to rezone the subject property from the AE-20 \(Single Family Residential/Urban Growth Management\) zone district to the R-1/UGM \(Single Family Residential/Urban Growth Management\) zone district](#)  
**Action Taken:** Bill No. B-37/Ordinance No. 2007-37 adopted

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

10:15 A.M.#1 **HEARING – (For introduction) – Text Amendment Application No. TA-06-03a. and environmental findings, initiated by the Planning and Development Department Director, relating to noticing hearings for rezone applications**  
**Action Taken:** Not introduced; failed introduction

10:15 P.M. #2 **CONTINUED HEARING to annex Final Tract No. 5482 to the City of Fresno Community Facilities District No. 11, Annexation No. 16 (Property located in District 5) – Public Works Department**  
**Action Taken:** Held

- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 11 and authorizing the levy of a special tax  
**Action Taken:** Resolution No. 2007-148 adopted
- b. **RESOLUTION** - Calling special mailed-ballot election  
**Action Taken:** Resolution No. 2007-149 adopted
- c. **RESOLUTION** - Declaring election results  
**Action Taken:** Resolution No. 2007-150 adopted
- d. \* **BILL NO. B-38** - Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 11, Annexation No. 16  
**Action Taken:** Bill No. B-38/Ordinance No. 2007-38 adopted

10:35 A.M. **GENERAL ADMINISTRATION**

- A. \* **RESOLUTION – Authorizing and approving the borrowing of funds for Fiscal Year 2007-2008; the issuance and sale in an amount not to exceed \$50,000,000 of a 2007 Tax Revenue Anticipation Note therefore and participation in the California Communities Cash Flow Financing Program – Finance Department**  
**Action Taken:** Resolution No. 2007-151 adopted
- B. **RESOLUTION - Authorizing submittal of grant application and acceptance of funding under the Federal Land and Water Conservation Fund (LWCF) for the construction of two large 40-foot shaded pavilions, scattered picnic tables/barbecues, associated walkways and trees at the universally accessible park located at Gettysburg near Polk Avenues – PR&CS**  
**Action Taken:** Resolution No. 2007-152 adopted

2:00 P.M. #1 **CONTESTED CONSENT CALENDAR**

2:00 P.M. #2 **CLOSED SESSION**

- A. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Government Code Section 54957**  
**Title:** City Attorney  
**Action Taken:** Held

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

3:00 P.M.

### **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of March 20, 2007

**Action Taken:** Approved, as submitted

- A. [HEARING to consider a resolution of public use and necessity for acquisition of fee title for redevelopment purposes of the following parcels of real property regarding eminent domain, property located at 505 and 525 "N" Street in the City of Fresno: APN: 468-222-15 & 468-222-16, owned by N Street Property, LLC \("CalTrans building"\) \(Requires 5 affirmative votes\) \(Property located in District 1\) \(Agency action\)](#)

**Action Taken:** Held

1. **RESOLUTION** – That the public interest and necessity require and authorize eminent domain for acquisition of fee title for redevelopment purposes for real property located at 505 and 525 "N" Street in the City of Fresno; APN: 468-222-15 & 468-222-16

**(Agency action)**

**Action Taken:** Resolution No. 1695 adopted

- B. Direction to staff to identify up to a minimum of 1,000 acres current and potential industrial property for site acquisition or control to facilitate, shovel, market ready property to enhance industrial sector job growth **(Council and Agency action)** – Councilmember Dages

**Action Taken:** Direction made

- C. [Approve and authorize the Executive Director to enter into a purchase and sales agreement for Angela's Liquor Store at 1438 Ventura Street known as Assessor Parcel Number 467-085-17; owned by the estate of Floyd I. Williams, deceased, within the Chinatown Expanded Redevelopment Project Area \(Agency action\)](#)

**Action Taken:** Approved

- D. [Approve an Owner Participation Agreement between the Redevelopment Agency of the City of Fresno and Pyramid A-One, a California Limited Liability Company, for the construction of a residential housing project at 1830 "H" Street \(Agency action\)](#)

**Action Taken:** Approved

### **ADJOURN AGENCY**

4:00 P.M.

[HEARING to consider the "Lake View" Condominium Conversion Application and Vesting Tentative Tract Map Nos. 5742 and 5743, filed by United Development Group, Inc., pertaining to 8.87 acres of R-3 \(Medium Density Multiple Family Residential\) zoned property located on the northwest corner of N. Teilman Avenue and W. Griffith Way \(Property located in District 1\)](#)

**Action Taken:** Held

- a. Consider and adopt Categorical Exemption for Environmental Assessment No. T-5742 and T-5743

**Action Taken:** Adopted

- b. **RESOLUTION** – Approving Vesting Tentative Tract Map No. 5742 proposing the creation of a one common lot condominium map; and the conversion of the "Lake View" multiple-family apartment complex into a condominium owner-occupied complex

**Action Taken:** Resolution No. 2007-154 adopted

- c. **RESOLUTION** – Approving Vesting Tentative Tract Map No. 5743 proposing the creation of a one common lot condominium map; and the conversion of the "Lake View" multiple-family apartment complex into a condominium owner-occupied complex

**Action Taken:** Resolution No. 2007-155 adopted

## **SCHEDULED COUNCIL HEARINGS AND MATTERS**

**Apr. 24 – 8:30 A.M.** Presentation of P.R.I.D.E. Team Certificates for the Spring Quarter (*Reception immediately following – 2<sup>nd</sup> floor foyer*)

**Apr. 24 – 10:00 A.M.** **HEARING** re: Rezone Appl. No. R-06-60, filed by Claude Saiz, Jr.

**Apr. 24 – 10:10 A.M.** **HEARING** re: Rezone Appl. No. R-06-68, filed by the City of Fresno

**Apr. 24 – 10:15 A.M.** **HEARING** re: Variance Appl. No. V-06-03, filed by East Bay Tire Company (30 min)

**Apr. 24 – 10:45 A.M.** **HEARING** re: Rezone Appl. No. R-06-66, filed by Donald Sims

**Apr. 24 - 11:00 A.M.** HOLD

**May 9 – 2:00 P.M.** Presentation of Employee Service Awards (*Reception immediately following – 2<sup>nd</sup> floor foyer*)  
(Wednesday)